

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

RANDI JONES, as guardian ad litem for
Brandy Tuchscherer

Plaintiff,

v.

CITY OF PORTLAND,

Defendant.

No. 3:18-cv-01485-SB

OPINION AND ORDER

MOSMAN, J.,

On December 21, 2018, Magistrate Judge Stacie F. Beckerman issued her Findings and Recommendation (F&R) [22], recommending that I GRANT in part and DENY AS MOOT in part Plaintiff's Motion to Strike [13]. Neither party filed objections to the F&R.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal

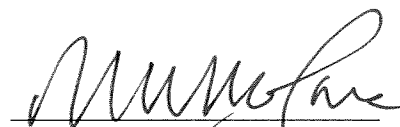
conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Beckerman's recommendation and I ADOPT the F&R [22] as my own opinion. Plaintiff's motion to strike Defendant's affirmative defenses eleven through thirteen [13] is GRANTED. Plaintiff's motion to strike Defendant's counterclaim for attorney fees [13] is DENIED AS MOOT.

IT IS SO ORDERED.

DATED this 17th day of January, 2019.


MICHAEL W. MOSMAN
Chief United States District Judge